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HOUSE BILL 2295 By
Buck

SENATE BILL 2757
By McNally

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13, relative to the authority to carry firearms.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1315, is amended by deleting the existing language and replacing it with the following;

(a)

(1) Notwithstanding any other provision of law to the contrary, any law enforcement officer may carry firearms at all times and in all places within the State of Tennessee, whether on or off-duty, regardless of the officer's regular duty hours or assignments, subject only to subsection (3) below, federal law, lawful orders of court, and the written directives of the executive supervisor of the employing agency.

(2) The authority conferred by this section is expressly intended to and shall supersede restrictions placed upon law enforcement officers' authority to carry firearms by other sections within this part.

(3) The authority conferred by this section shall not extend to a law enforcement officer under the influence of alcohol or any controlled substance not legally prescribed and permitted by the employing agency's policies.

(4) For purposes of this section, a "law enforcement officer" is a person who is a full-time employee of a federal, state, county, or local government or public office in a position authorized by the laws of this state to carry a firearm and to make arrests for violations of some or all of the laws of this state.

(b) Any person who is not a law enforcement officer as defined by subsection (a)(4) of this section, but who is a retired law enforcement officer who is bonded and who, at the time of receiving the written directive, has successfully completed and continues to successfully complete on an annual basis a firearm training program of at least eight (8) hours duration, any full-time employee of the Tennessee emergency management agency in the performance of the employee's duty, or any other officers or persons authorized to carry handguns by this, or any other law of this state, may carry such handguns at all times pursuant to a written directive by the executive supervisor of the organization to which the person is or was attached or employed, regardless of the person's regular duty hours or assignments; however, a copy of the written directive shall be retained as a portion of the records of the particular law enforcement agency which shall issue the directive.

(c) Nothing herein shall prevent federal officers from carrying firearms as prescribed by federal law.

(d)

(1) Any duly elected and sworn constable in any county having a population of not less than eleven thousand one hundred (11,100) nor more than eleven thousand two hundred (11,200) according to the 1970 federal census or any subsequent federal census, and being a county in which such constables

retain law enforcement powers and duties under the provisions of §§ 8-10-108, 40-6-210, 55-8-152, 57-5-202 and 57-9-101, are authorized to and may carry handguns at all times and may equip their vehicles with blue and red lights and sirens. The sheriff of such county shall issue a written directive or permit authorizing such constables to carry a handgun; provided, that each such constable has completed the same eight-hour annual firearm training program as is required by this subsection.

(2) The county commission may, by a two-thirds (2/3) vote, require any such constable to have in effect a liability policy or a corporate surety bond in an amount of not less than fifty thousand dollars (\$50,000).

(e) An individual, corporation or business entity is authorized to prohibit the possession of weapons by employees otherwise authorized by subsection (b) on premises owned, operated or managed by such individual, corporation or business entity. Notice of such prohibition thereunder shall be posted or otherwise noticed to all affected employees.

SECTION 2. This act shall take effect July 1, 2000, the public welfare requiring it.